

COPY OF TRANSCRIPT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DOUGLAS W. BAILLIE,

Plaintiff,

vs.

No. C-1-02-062

CHUBB & SON INSURANCE,

Defendant.

The Discovery Deposition of TIMOTHY DADIK, called by the Plaintiff for examination, taken pursuant to notice, taken before MICHELE J. LOSURDO, CSR, a Notary Public within and for the County of DuPage, State of Illinois, and a Certified Shorthand Reporter of said state, taken at 500 Park Boulevard, Suite 600, Itasca, Illinois, at the hour of 1:30 p.m., on the 26th of August, A.D., 2003.

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Exhibit N

1 position with Chubb?

2 A. I am the personal lines
3 manager for our Itasca, Illinois
4 office.

5 Q. I'm going to ask you if you
6 would start beginning in 1994 and go
7 through your progression of positions
8 that you held with Chubb?

9 A. I started June of 1994 as a
10 commercial lines underwriting trainee.
11 I held that position for roughly a
12 year, left the company for three
13 months, then came back as a personal
14 lines underwriter here in our Chicago
15 office.

16 I spent from that point
17 up until August 1998 as an
18 underwriter for various territories
19 and in August of 1998 was moved to
20 our Cincinnati, Ohio office as a
21 marketing specialist in personal
22 lines.

23 December of 1999 I was
24 promoted to the personal lines manager

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EXCELLENCE BUILT ON EXPERIENCE

1 served as the personal lines manager,
2 would Mr. Baillie conduct your
3 performance appraisals?

4 A. I had an annual performance
5 review with Doug.

6 Q. Did you find that Mr.
7 Baillie was fair in his performance
8 reviews?

9 A. No.

10 Q. What manner was he unfair?

11 A. There was a lack of
12 preparation in planning for the
13 performance reviews and a lack of
14 recognition of the results and then
15 the corresponding salary increases.

16 Q. When you say lack of
17 preparation, in what manner?

18 A. I could tell from sitting in
19 front of Doug that he had not
20 prepared at all for that conversation.

21 Q. On how many occasions did he
22 give you an annual performance review?

23 A. Well, an annual performance
24 review would be once a year.

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EXCELLENCE BUILT ON EXPERIENCE

1 A. Correct.

2 Q. Did you find Mr. Baillie to
3 be helpful and provide assistance in
4 your marketing activities?

5 A. The majority of the
6 incentives that I did, I worked in
7 conjunction with our marketing manager
8 Jeff Barton to implement those
9 incentive agreements.

10 Q. What role did Mr. Baillie
11 play in your marketing activities?

12 A. He always had final sign-off
13 on whether or not we would do an
14 incentive.

15 Q. Are you saying that he was
16 supportive when you would make a
17 recommendation for an incentive to be
18 utilized?

19 A. Yes.

20 Q. You did find him supportive?

21 A. Yes.

22 Q. Did he on occasion go out
23 with you when you were engaged in
24 marketing activities?

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1 departments; is that correct?

2 A. He would engage in marketing
3 opportunities for other departments to
4 a much higher percentage than what he
5 did for personal lines. I was a
6 third of that branch from a premium
7 volume standpoint and I did not have
8 a day and a third of his time each
9 week, but, yes, he was involved in
10 marketing opportunities for other
11 departments.

12 Q. Are you aware of the
13 performance of the other departments
14 within the branch?

15 A. I knew what they were, sure,
16 that's public knowledge in our
17 computer systems.

18 Q. Are you -- were you made
19 aware or were you kept informed of
20 his activities involving the other
21 departments?

22 A. On any given day, if I were
23 to ask where he was, I would know
24 that. Was I given an e-mail every

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1 a source of concern for me.

2 Q. That somehow irritated you
3 that he was out golfing more
4 frequently than what you felt to be
5 appropriate?

6 MR. MONTGOMERY:
7 Objection, argumentative.

8 BY MR. NAPIER:

9 Q. I'm just trying to find out,
10 sir, were you irritated by that?

11 A. It was irritating to me that
12 if I needed him, he was not around
13 and not doing something that I
14 perceived productive to supporting the
15 branch growth and profit goals.

16 Q. Did you ever -- again, you
17 never expressed your concerns though
18 to Mr. Baillie about his -- what you
19 perceived as frequent golfing?

20 A. Correct.

21 Q. Now, you indicated he seemed
22 to be out entertaining. Were there
23 occasions where you accompanied him on
24 what you would describe as

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EXCELLENCE BUILT ON EXPERIENCE

1 entertaining?

2 A. I golfed with Doug on
3 several occasions.

4 Q. Was that at some type of
5 Chubb function?

6 A. No, it was a one-over-one
7 planned golf outing with one of the
8 agents that we do business with.

9 Q. So it was conducted with
10 Chubb business, was it not?

11 A. Correct.

12 Q. It was a marketing activity
13 in that sense, correct?

14 A. Correct.

15 Q. Other than this lack of
16 attendance or this frequent
17 entertaining complaint, did you ever
18 complain to Ms. Haggard about any
19 other concerns regarding Mr. Baillie's
20 conduct?

21 A. As part of the those
22 conversations, I would mention that as
23 a first year manager, I didn't really
24 feel that I was being given the

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1 A. Correct.

2 Q. Let me ask the question this
3 way in your discussions with Ms.
4 Haggard, was there any -- let me
5 start all over.

6 I'd like to know what
7 concerns you expressed to Ms. Haggard
8 regarding Mr. Baillie. I'd like to
9 know all of them. You've talked
10 about lack of attendance. You said
11 you thought he entertained too much.

12 Apparently you felt
13 also that the time that he spent with
14 you in development for a first year
15 manager was not adequate.

16 What other concerns did
17 you express to Ms. Haggard regarding
18 Mr. Baillie?

19 A. I think the only other topic
20 we really discussed was a lack of
21 technical skills on the part of Doug
22 to understand the personal lines
23 business.

24 Q. Well, that was the purpose

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EXCELLENCE BUILT ON EXPERIENCE

1 A. Those were two of the
2 outlets that I could turn to, but I
3 certainly think that being an
4 effective branch manager, that should
5 have been a third resource and as the
6 person that was only 100 yards from
7 me, that would have been the person
8 that I would probably rely on.

9 Q. Are you indicating that it
10 was your expectation that Mr. Baillie
11 would have the same level of
12 knowledge regarding personal lines and
13 technical issues of those products as
14 would Mr. Hasley or Mr. Botsford?

15 A. I think that's an
16 unrealistic expectation.

17 Q. It would be unrealistic for
18 Mr. Baillie to have that same level
19 of knowledge; is that correct?

20 A. That is correct, but I would
21 expect him to be able to understand
22 the basics.

23 Q. Is it your testimony that
24 Mr. Baillie did not understand the

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EXCELLENCE BUILT ON EXPERIENCE

1 basics of personal lines?

2 A. It's my testimony that as a
3 company, Chubb focuses specifically on
4 larger more affluent customers and
5 Doug had a long-held belief that we
6 were better served as a company to
7 write smaller homes and we had that
8 debate many times.

9 Q. I apologize, but I'm
10 confused.

11 Are you saying that, in
12 your opinion, Doug did follow the
13 company's strategy or did not?

14 A. Doug followed the company's
15 strategy, but his view points on what
16 we should do were very different.

17 Q. Different than your own?

18 A. Different than the company's
19 appetite that had been
20 well-established.

21 Q. You indicated earlier that
22 Mr. Baillie would be active regarding
23 the larger personal lines account; is
24 that correct?

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1 looking at this this way. It was
2 simply another perspective that he
3 shared.

4 Q. My question to you is in
5 your opinion, did he have any
6 strengths as the regional manager?
7 Are you identifying what you just
8 described as one of his strengths?

9 A. Yes.

10 Q. Is there any other ways or
11 means by which you felt he exhibited
12 certain strengths as a branch manager?

13 A. No, I think that one would
14 be it.

15 MR. NAPIER: All right,
16 Mr. Dadik, thank you very much.

17 I have no further
18 questions.

19 MR. MONTGOMERY: Tim,
20 you'll have the opportunity to review
21 this and for the court reporter, if
22 the original is ordered, I would like
23 a copy and we'll handle signature for
24 Mr. Dadik.

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